

**Lancaster Planning Board
Minutes of Meeting**

Meeting held upstairs in Town Hall

Wednesday – April 11, 2012

Attending:

Regular Members: Chairman Justin Carter, Vice Chairman Mark St. Pierre, Mark Frank, Andy Nadeau, Joe Hoey, Claude Reed. Selectmen Leon Rideout filled in for Selectmen's Representative Leo Enos.

Alternates: Don Doolan, Ben Southworth and Selectmen's Representative Alternate, Leon Rideout.

Excused: Selectmen's Representative Leo Enos & Margaret Moser

Others Attending: Planning/Zoning Coordinator Benjamin Gaetjens-Oleson, Rusty Scott, Penny Noyes, Raymond Dubreuil, Annette Samson, Henrietta Moineau, Edith Tucker, Dan Tucker, Mike Duffy, Bill Hart, Dave White, Justin Daigneault, Mark VanderHeyden, Dan Benoit, Shawn McMann and Tim Sutherland.

The meeting was called to order at 6:30 P.M. by Chairman Justin Carter.

Initial Business:

Chairman Carter welcomed new member Ben Southworth to the meeting. Ben stated that he lives in the town and has decided it was time to become involved in things that are going on and was looking forward to serving on the Board. Other alternate member Margaret Moser was not in attendance as she was out of the country and had told the Board that at the last meeting. Selectmen's Representative, Leo Enos was unable to attend tonight's meeting due to work commitments so his alternate, Selectman Leon Rideout will serve in his place.

Roll Call:

Listed above.

Review and approve the minutes of the March 7, 2012 meeting:

It was brought up that Margaret Moser didn't agree with the comment that she had made regarding the Board not being professional, she felt that it should have been written, the Board needs to be professional at all times with the public. Mark Frank stated that he thought she meant that sometimes the Board was not always professional. Don Doolan suggested that we wait for the meeting when Margaret Moser is there to further clarify the intent.

A motion was made by Joe Hoey and seconded by Claude Reed to accept the minutes as written to be reviewed at the next meeting for the clarification. A vote was taken and the motion carried.

Election of Chairman and Vice Chairman:

Joe Hoey nominated Justin Carter for Chairman and Mark St. Pierre for Vice Chairman, seconded by Claude Reed.

It was asked if there were any further nominations from the floor. Mr.'s Carter and St. Pierre were asked if they would accept the nomination and they both agreed.

A vote was taken and Justin Carter will be the Chairman and Mark St. Pierre will be the Vice Chairman.

Public Hearings:

Major Site Plan:

Case #753 – Daniel J. Benoit – Owner/Applicant requests approval to operate an automobile and equipment salvage business and construct a 45' x 45' addition to an existing structure to accommodate that business. Land Zoned Commercial/Industrial. (Tax Map R01 Lot 046 (36.6 acres) 600 Main Street). Request will also require a Special Exception from the Lancaster Zoning Board of Adjustment.
Vote on Final Approval.

Leon Rideout recused himself from case at 6:37 P.M. as he has a similar same type of business as is being proposed and does business with Mr. Benoit.

The case was presented by Mark VanderHeyden, Surveyor. He passed out plans of the site and had an overview plan in color for the Board to refer too. Mark Frank stated that he and Mark St. Pierre had visited the site and showed pictures that they had taken of the site entrance and area in question. Mark VanderHeyden stated that they had gotten their Special Exception approval from the Zoning Board and now it was up to the Planning Board to decide on final approval for the proposal. Mr. Benoit stated they were still going to do the same things that they had told the Board at the previous meeting, there would be no changes and if there were they would come back to the Board with them. He felt that it was a good thing for the town. It was asked about the flood plain and Mr. VanderHeyden stated they are still proceeding with verifying elevations and the dismantling site should qualify as an inadvertent inclusion by FEMA. A sheet defining such was handed out by Mr. VanderHeyden and is attached to the minutes.

Don Doolan asked how long Mr. Benoit had been in business and how many employees there were. He was told that he had been in business for some 25 years and at the present time there were 3 employees.

Mr. Benoit stated that he had given Mark Frank and Mark St. Pierre a tour of the area and told them that they are working on all of the approvals that are needed. He plans to do everything that the Board wants him to do so as to do it right the first time.

Mark Frank asked about the proposed fence for the entrance road.

Mr. Benoit stated that he was open to any suggestions that the Board had for that. He, Mr. Benoit, stated that he did have some steel pipe fence with a chain to go across if that was acceptable.

It was asked if he had any plans for more employees in the future and Mr. Benoit stated that he might have up to 5 plus himself as some time.

It was shown on the plan where the building would be. It was asked about the elevation of the perimeter, and Mr. VanderHeyden stated it had not been completely determined as of yet. 853 feet is the Base Flood Elevation (BFE) as determined by FEMA for that area and some of the salvage yard is over that.

Andy Nadeau asked if he had applied for LOMA. Mr. VanderHeyden stated they will be doing that and referenced the sheet previously passed out. Mr. VanderHeyden stated the site is in the floodplain but not the floodway.

Don Doolan asked Chairman Carter if he could address a question to Planning/Zoning Coordinator Benjamin Gaetjens-Oleson and the answer was yes. Mr. Doolan asked if site plans maps were to be recorded at the Coos County Registry of Deeds, he felt that it was very helpful to others when they have to look up things

Mr. Gaetjens-Oleson stated that a mylar with all approved improvements for major developments will be recorded with the Notice of Decision listing the specific conditions of approval. Cases with small additions or minor requests are not necessary, but large areas of land with buildings will need to be. He stated that this will also be in the revised Site Plan Regulations.

Andy Nadeau asked if DES had any concerns and was told that when they came to see the site

they asked that there be a roof on the building. Mr. Gaetjens-Oleson stated that he had been in contact with DES on the project and they stated that Mr. Benoit has been cooperating to the fullest.

Andy Nadeau stated that the Planning Board could approve the case with conditions and further information from the DES.

Mr. Gaetjens-Oleson stated that the Board can put on whatever conditions they feel are needed. Mr. Benoit needs to be permitted by DES each year and if there are any questions he would have to come back to the Planning Board.

Mark Frank stated that they saw the apartments that are over the house and the road to the building, the work area is elevated and is quite a ways from the house so there would not be harm to the children. At the present time, from the road, you can see there is something there but once the leaves come out on the trees it wouldn't be as visible. He feels that the tree buffer should stay and if possible maybe plant some more.

Ben Southworth stated that he didn't understand why Mr. Benoit needed a Special Exception as the area is Zoned Commercial. He was told the land is zoned Commercial/Industrial and per the Zoning Ordinance, salvage yards are a permitted use with a Special Exception from the Zoning Board. As long as the proposal can satisfy requirements of the Special Exception, such as safety, there usually is not an issue. If he wants to put up another building he would have to come back to the Planning Board for further review.

It was asked if he could put a salvage yard in the natural buffer area on the plan and the answer was if he wanted to expand beyond this original proposal he would have to come back to the Board.

The meeting was then opened to any abutters. There were none.

The meeting was then opened to members of the public. Raymond Dubreuil asked what the minimum acreage was for a junk yard. Mark Frank quoted from RSA 236-it was 1,000 feet from a right-of-way. There was no particular statement otherwise for it.

Penny Noyes asked what the limited amount of cars that could be at the site at one time.

Mr. Benoit said that they would come and crush every 125 cars when they were ready, but he would like to own his own crusher so he could do it more often to keep the site cleaner.

Andy Nadeau stated that the ordinance was not very clear. Mr. Benoit stated that it usually took 22 cars for a load.

It was asked about his hours of operation. Mr. Benoit said it would be 8:00 A.M. to 5:00 or 6:00 P.M. Mainly it would be 5:00 P.M. But if someone called and said they couldn't make it right at 5 he would wait for them.

Henrietta Moineau asked if they had other markets that they could ship their scrap metal to instead of China. Mr. Benoit stated that the company he sells to has markets all over the world, not just China.

Raymond Dubreuil stated that he thought that the project was in a good place, people won't hear the noise, elevation is good. He stated that when the campground on floods it isn't near the banks at Mr. Benoit's.

With no further comments from abutters or members of the public the meeting was then closed and opened only to the Planning Board.

Benjamin Gaetjens-Oleson wanted clarification as to what the Board was deciding for the proposed fence. Some felt that instead of a fence Mr. Benoit should just use natural vegetation, whether existing or additional. Mr. Gaetjens-Oleson stated that because the Zoning Board approved their Special Exception with a fence proposed then the Planning board could not approve it without. Doing so could create legal issues unless Mr. Benoit wanted to go back before the Zoning Board for reapproval without the fence. Leon Rideout stated that he had to have an 8' fence, only to shield if from the neighbors. Mr. Gaetjens-Oleson stated that the Board has to go by the statues which was later identified to state a minimum 6 foot tall fence.

Ben Southworth stated that he hoped that they would maintain the look of the scenic area. Claude Reed asked how big the gap was in the trees shown and was told it was about 200 feet. Justin Carter asked if a metal fence was suitable.

Andy Nadeau stated that they should build the fence according to the Zoning Boards recommendation.

It was noted that it does not need to be a condition.

A motion was made by Joe Hoey and seconded by Mark St. Pierre to grant final approval to Case# 753 with the following conditions:

CONDITIONS PRECEDENT – Must be satisfied before Board Final Approval.

1. A mylar of all approved improvements shall be provided to record with the Planning Board's Final Approval-Notice of Decision, with all costs the responsibility of the applicant.

CONDITIONS SUBSEQUENT – Recorded with Notice of Decision

1. All existing natural buffer must remain and be properly maintained to shield onsite activities from abutting properties and public ways
2. When vegetation must be removed, replacement plantings of appropriate size and density must be immediately placed to provide adequate shielding of onsite activities from abutting properties and public ways.
3. A copy of the applicant's license to operate shall be provided to the Lancaster Planning Board or their agent upon annual renewals.

Leon Rideout back on the Board at 7:30 P.M

Case# 744 -Southern New Hampshire Services – Owner/applicant requests approval to construct and operate a 20 unit, 16,898 square foot elderly housing building. Land Zoned Commercial/Industrial. (Tax Map R04 Lot 029 (6.35 acres) Bridge Street). **Vote on Final Approval.**

Andy Nadeau recused himself at 7:34 P.M. as his company is working on the project.

Bill Hart of Southern New Hampshire Services gave a brief overview of what was to take place. He repeated much of what was presented in March; they have received funding from HUD to build the units and to subsidize the rent for the tenants. There would be a new access road easement and use agreement with the school be recorded with the deed. He also stated that with the grant for rent subsidies would be reviewed every 5 years.

It was asked what would happen if the project failed. Mr. Hart assured the Board that the project is owned by SNHS, and it would always remain an elderly housing project. That is written in the deed. SNHS is required to have escrow accounts for their taxes, insurance etc. If for some unknown circumstance something happened the project would revert back to HUD. It was asked if they create project 'as-builts'. The answer was yes and they would be recorded. It was also stated that HUD checks on the projects every 5 years or sooner if needed. It was asked when they residents could apply and Mr. Hart stated they are compiling an inquiry list but they could not accept applications until 90 days before opening.

Architect, David White spoke only on the building. There was a minor change from the original submission in that the community room will be facing south instead of west. The square footage is 16,898 and to include the overhangs. They are 1 bedroom units. The building will have vinyl siding. They are all energy efficient. They have heat recovery units, building wrap to cut out air filtration, and gas fired, base board, forced hot water heating.

Mike Duffy spoke on the site plan itself. He went over each sheet of the final plan. There will be access off the school road, they are in negotiations with the school at this time for a new easement agreement. He presented the final draft to the Board titled **“Permanent Cross Access, Drainage, Sign, Utility & Maintenance Easement Agreement for Lots 1 and 2, Map R-4, Lot 29 on Bridge Street, Lancaster, New Hampshire”**. A copy is attached to the minutes. They are also expanding the 50' ROW to 65'. They are working with DOT for change of use driveway permit and they will also need a trench permit from them. It appears the utilities to the school are deep enough they will not disturb them when constructing their driveway. They have done a lot of research and will also have an alta survey done to record at the Registry of Deeds after construction. He also explained how the water and sewer service will be installed to accommodate future development. There will be a fire hydrant and the building will have a sprinkler system. The site is designed to sheet flow stormwater into the rain garden which is designed for a 50 year storm. There is a provision for overflow for greater than 50 year storms. Pictures of the rain garden were given to the Board. They did not need a state permit for the garden but they did it according to state standards, there would be no increase in stormwater runoff from the site after development.

They will have to decide how many plan sheets will be required for recording. There had been one letter abutter, McDevitt Trucks expressing pleasure with the development but warning of the potential for noise and dust their business creates. They recommended the applicants install vegetative buffers to mitigate these issues.

Don Doolan stated that he felt that the trees would block the view of the mountains.

Leon Rideout asked about the turning radius for the emergency vehicles. Mr. Gaetjens-Oleson stated that the Fire Chief had reviewed the plans and felt that it was ok.

Mark Frank asked if the trees would block the view of the truck garage and the answer was yes.

Don Doolan asked if the landscaper had visited the site yet and the answer was no, not yet.

Leon Rideout asked if when pouring cement, would there be someone there to help with the traffic due to school being open and was told that there would be personnel there for that. It was also mentioned that another alternative would be a separate construction entrance off Route 2. Mr. Gaetjens-Oleson stated DOT would seriously consider a temporary entrance if requested by the applicant.

It was asked if there were any abutters who wished to speak to the case – there were none.

It was asked if there were any members of the public who wished to speak to the case.

Henrietta Moineau asked if there could be a redesign to have 2 bedroom units and the answer was no as with this particular HUD grant it was for only 1 bedroom units. She also asked if there could be pets and the answer was yes. Meals – No, each apartment has a kitchen or the residents could rely on Meals on Wheels. There will be a community room, library and laundry for all the residents to use. She asked if there would be an Activities Director on site and the answer was no but there will be a property manager who may organize activities for the tenants. She asked about bus service and was told that they would have to go through Tri County CAP and their service. Would there be garages for the residents and the answer was no. She stated that with the pond and landscaping it would be nice if they set it up so that the residents could walk around the park and sit on benches. It was stated that there was a nice walking area on the school property for the public to use. Mrs. Moineau gave a brochure to Mr. Hart of another facility that she knew about and things that they did, he questioned as to whether it was funded by HUD. Mrs. Moineau did not know.

Rusty Scott spoke and said that he was not an abutter but would be a neighbor to the project and felt that it was awesome and something that is really needed in the Town and was pleased with what was presented.

Ben Southworth asked about consideration of utilities for future development.

Bill Hart stated that there has been discussion from another group in town to develop a senior

center but it does not appear this site is in their plans. Whatever is further developed on the site must be compatible with what they will have there. It was asked if there was still room for another addition and the answer was at the current regulations yes there was.

It was asked if they had a name for it yet and the answer was not yet. A suggestion was made that maybe they could have a contest for it at the school.

It was asked if they had made the agreement with the school and car dealership for the transfer of land. They are in negotiations with the school and the car dealership said no.

Noting that there was no further discussion from the public the meeting was closed and opened only to the Planning Board.

Don Doolan asked if there would be someone from Horizon on site and Bill Hart said that he was to be the Clerk of the Works.

Ben Southworth noted that there was to be 3 types of siding and had they considered cement board. Mr. Hart stated that the cement board was not good and the siding that they were using was the best for the project, and it is also good for the energy aspect of the building.

A motion was made by Mark Frank and seconded by Leon Rideout to accept the plan for final approval with the following conditions. A vote was taken and the motion carried.

CONDITIONS PRECEDENT—Must be satisfied before Board Final Approval.

1. A mylar of all approved improvements shall be provided to record with the Planning Board's Final Approval-Notice of Decision, with all costs the responsibility of the applicant.
2. Must receive NH DOT Change-of-Use driveway permit.

CONDITIONS SUBSEQUENT—Recorded with Notice of Decision

1. All construction deliveries shall be coordinated with Lancaster Elementary School to minimize conflicts.

Andy Nadeau back on the Board at 8:40 P.M.

Minor Subdivision:

Case #755 – Daniel B & Darlene C. Clarke Irrevocable Trust – Applicant requests to a minor subdivision to divide approximately 75 acres into two lots. Said minor subdivision will result in lot 1 – 2.77 acres and lot 2 – 72 acres. Land zoned Agricultural. (Recently Merged Tax Map R24 Lot 001 and Tax Map R17 – Lot 015, 419 North Road). **Review application for completeness. Vote on final approval.**

Tim Sutherland, Surveyor presented the case. He passed out plans for the Board to review and question. Mr. Sutherland stated that there is a farm house on the property and the owners do not want to fix it up. In 1960 the property was surveyed by Ray Marshall. In 1974 it was surveyed with a 50' strip on the North Road. The Planning Board in 1974 approved the survey with a 50' strip but there was no driveway permit recorded and they cannot get one from DOT for that issue. DOT approved access to the back 72 acres (Lot 2) through the existing curbcut servicing the house lot (Lot 1). A new 25' ROW is created along a front portion and the south side of Lot 1 and To get to Lot 2. The existing house currently does not comply with the setback requirements in the Residential District and the creation of the 25' ROW makes it less conforming. Mr. Gaetjens-Oleson stated due to this it should go to the Zoning Board for their review of the setback issue only.

As Lot 1 is less than 5 acres it requires State Subdivision approval. That application is at NH DES now waiting for approval. It was asked if the state was aware of the 25' ROW and the answer was yes. Mr. Sutherland said that he is trying to please both his client and DOT and it is not an easy job.

Andy Nadeau stated that due to the 25' ROW creating a more non-conforming setback for the

house on Lot 1 this proposal would need a variance.

Mr. Gaetjens-Oleson stated that the Planning Board could approve the plan with the condition it receives an area variance from the Zoning Board. Mr. Nadeau stated that the purpose for the setback is for clearance.

Mr. Sutherland further stated that the DOT is standing firm on their end, he has looked into ALL options for a solution.

A motion was made by Andy Nadeau and seconded by Mark St. Pierre to accept the application as complete. A vote was taken and the motion carried.

It was asked if there were any abutters who wished to speak to the case: There were none.

It was asked if there were any members of the public who wished to speak to the case: There were none.

The meeting was then closed and open only to the Planning Board.

Andy Nadeau asked if the Fire Department could fit in the area. Leon Rideout stated that they probably could but it would be tight, they didn't see any problem with a shared driveway.

A motion was made by Claude Reed and seconded by Mark St. Pierre to accept the plan for final approval with the following condition. A vote was taken and the motion carried.

CONDITIONS PRECEDENT-Must be satisfied before Board final approval.

1. Must receive NH DES subdivision approval.
2. Must receive an Area Variance from Lancaster's Zoning Board of Adjustment.

CONDITIONS SUBSEQUENT-Recorded with Notice of Decision

1. None.

Other Business:

Voluntary Merger(s):

Tom & Heather Wolfe – Portland St. Area is Zoned Residential. They have purchased land on Hartco Ave. Plan to merge 3 small lots with the 1 lot that they own now.

A motion was made by Mark Frank and seconded by Leon Rideout to grant the merger. A vote was taken and the motion carried.

Recent Zoning Decision(s):

Mr. Gaetjens-Oleson stated that the Zoning Board had granted a Special Exception to Daniel Benoit for his salvage yard with no conditions.

Announcements/Correspondence:

Penny Noyes and Rusty Scott were both at the meeting and said that they would like to be on the Planning Board. They were asked to come to the May 9th meeting which will be held at 6:00 P.M. to have further discussion with the Board and any other interested people.

April 27, 2012 is the court date for the appeal of the Family Dollar decision.

Mark Frank stated that the Revisions for the Site Plan Regulations were just about complete. There still needed to be some comments reviewed. There has been a meeting set up for May 24, 2012 with Tara Bamford of North Country Council to finalize the proposed regulations.

Noting that there was nothing further to come before the meeting a motion was called for to adjourn.

A motion was made by Joe Hoey and seconded by Claude Reed to adjourn. A vote was taken and the meeting adjourned at 9:24 P.M.

Lancaster Planning Board Meeting Minutes-April 11, 2012

Respectfully,

Sandra E. Doolan – Clerk

Approved:

Justin F. Carter
Chairman